
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT G. LUSTYIK, JR., and
JOHANNES W. THALER,

Defendants.

SCHEDULING ORDER

Case No. 2:12-CR-645-TC

Judge Tena Campbell

On August 14, 2014, the court held a hearing to address all outstanding motions. Based on discussions during the hearing, the court sets the following schedule in preparation for the trial that will begin on September 29, 2014.

CIPA Deadlines

On **August 29, 2014**, Defendants must file a specific and tailored second amended notice under Section 5(a) of the Classified Information Procedures Act (CIPA) of the classified information that they reasonably, and in good faith, expect to disclose or cause to be disclosed at trial or in pre-trial proceedings. If the Government, upon reviewing the Defendants' second amended Section 5(a) notice cannot, in good faith, conclude what information the Defendants intend to disclose at trial, they must immediately meet and confer with defense counsel, in the SCIF if necessary, to work in good faith to identify the classified information at issue. If the parties are unable to agree, the Government must contact the court by the close of business on **September 5, 2014**, to request a telephonic status conference which will be held via secure lines.

If the Government intends to request a CIPA Section 6(a) hearing, it must do so by **September 12, 2014**. Pursuant to CIPA Section 6(b), the Government must also provide the Defendants with notice of the classified information that is at issue by **September 12, 2014**.

The court will hold an ex parte hearing with defense counsel on **September 18, 2014, at 10:00 a.m.** in preparation for the CIPA Section 6(a) hearing, if such a hearing is requested by the Government.

The court will hold a CIPA Section 6(a) hearing, if one is requested by the Government, on **September 22, 2014, at 9:00 a.m.**

If necessary, the schedule for a Government CIPA Section 6(c) motion and related hearing will be set by the court after the court makes a determination under CIPA Section 6(a).

Pre-Trial Deadlines

Defendants must file their acknowledgement of the order granting disclosure of tax return information and protective order (See Docket No. 626) by **August 18, 2014**.

The Government must file its witness list and exhibit list by **September 8, 2014**.

Motions in limine, and any other non-CIPA pre-trial motion, must be filed on **September 8, 2014**. Any responses to those motions are due on **September 15, 2014**.

Parties must file their proposed jury instructions and voir dire questions by **September 22, 2014**.

SO ORDERED this 15th day of August, 2014.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Tena Campbell
United States District Court Judge